

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 540
Economic Matters

(Delegate Shriver, *et al.*)

Finance

Labor and Employment - Employee Leave for Adoptions - Sunset Repeal

This bill eliminates the termination provision for the requirement that an employer who provides paid leave to an employee following the birth of the employee's child must provide the same paid leave to an employee when a child is placed with the employee for adoption.

The bill is effective June 1, 2002.

Fiscal Summary

State Effect: State expenditures would not be affected because the Department of Laboring, Licensing, and Regulation does not have regulatory authority over the requirement.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Chapter 503 of 1999 enacted the current requirement for paid leave for adoption with a sunset for the provision of July 1, 2002.

Background: The federal Family and Medical Leave Act of 1993 (FMLA) provides that employers must allow eligible employees (to be eligible an employee must have worked for the employer for 12 months -- the time need not be continuous) to take unpaid leave

of up to 12 weeks for certain events, including birth, adoption, or a serious medical condition of the employee or a member of the employee's immediate family. The employer has the option of allowing the employee to use paid leave for an FMLA absence. Certain employers, including those with less than 50 employees, are exempt from FMLA's requirements.

The State Personnel and Pensions Article provides the same leave for State employees in the event of birth or adoption. In either circumstance, State employees may use paid leave, such as sick leave, if they have sufficient accrued leave.

Additional Information

Prior Introductions: None.

Cross File: SB 390 (Senator Ruben, *et al.*) – Finance.

Information Source(s): Department of Budget and Management, Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2002
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